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U.S. District Court - Eastern District of Tennessee (Knoxville)
CIVIL DOCKET FOR CASE #: 3:09-cv-00615

Carson v. U.S. Securities and Exchange Commission
Assigned to: District Judge Thomas W Phillips
Referred to: Magistrate Judge C Clifford Shirley
related Case: [3:11-cv-00399](#)

Date Filed: 12/28/2009
Date Terminated: 05/02/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Cause: 05:552 Freedom of Information Act

Plaintiff

Joseph P Carson

represented by **Joseph P Carson**
10953 Twin Harbour Drive
Knoxville, TN 37934
865-300-5831
Email: jpcarson@tds.net
PRO SE

V.

Defendant

**U.S. Securities and Exchange
Commission**

represented by **Loretta S Harber**
U S Department of Justice (Knox USAO)
Office of U S Attorney
800 Market Street
Suite 211
Knoxville, TN 37902
865-545-4167
Email: loretta.harber@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/28/2009	<u>1</u>	COMPLAINT against U.S. Securities and Exchange Commission (Filing fee \$ 350), filed by Joseph P Carson. (Attachments: # <u>1</u> Exhibit)(KAW) (Additional attachment(s) added on 1/5/2010: # <u>2</u> Civil Cover Sheet) (KAW). (Entered: 01/05/2010)
12/28/2009		Filing fee: \$ 350, receipt number K3012273 (KAW) (Entered: 01/05/2010)
01/04/2010	<u>2</u>	ORDER This case is before the undersigned pursuant to this Court's Local Rule 3.2(d)(3)(B) for determination of whether it is related to another case previously filed in this Court. Applying Local Rule 3.2(d)(3)(A), the undersigned finds that this case is sufficiently related to the previously filed cases, Joseph P. Carson v. United States Office of Special Counsel, Case No. 3:08-cv-317 (Phillips/Shirley), and Joseph P. Carson v. United States Office of Special Counsel, Case No. 3:08-cv-330 (Phillips/Shirley), that is should also be assigned to the United States District Judge Thomas W. Phillips and United States Magistrate Judge C. Clifford Shirley for all further proceedings. However, consolidation of the two cases is not ordered.Signed by Magistrate Judge C Clifford Shirley on 1/04/2010. (KAW) (Entered: 01/05/2010)
01/05/2010		Summons Issued as to U.S. Securities and Exchange Commission. (KAW) (Entered: 01/05/2010)
01/11/2010	<u>3</u>	Pro Se MOTION for ECF Access for This Case by Joseph P Carson. (AYB) (Entered: 01/12/2010)
01/11/2010	<u>4</u>	SUMMONS Returned Executed by Joseph P Carson. U.S. Securities and Exchange Commission, U.S. Attorney, and U.S. Attorney General served on 1/7/2010. (AYB) (Entered: 01/12/2010)
01/12/2010	<u>5</u>	ORDER REFERRING <u>3</u> MOTION for ECF Access for This Case filed by Joseph P Carson to U.S. Magistrate Judge C. Clifford Shirley Jr. Signed by District Judge Thomas W Phillips on January 12, 2010. (AYB) (Entered: 01/12/2010)
01/19/2010	<u>6</u>	ORDER granting Petitioner's <u>3</u> Motion for Access to the Courts Electronic Case Filing System. To ensure Mr. Carson is aware of this change in service, the Clerk of the Court is DIRECTED to mail a copy of this Order to the petitioner. Signed by Magistrate Judge C Clifford Shirley on 1/19/10. (MGM) (Main Document 6 replaced on 1/19/2010) (MGM,). (Entered: 01/19/2010)
02/11/2010	<u>7</u>	MOTION for Default Judgment as to <i>failure of defendant to respond to complaint</i> by Joseph P Carson. (Carson, Joseph) (Entered: 02/11/2010)

02/11/2010	<u>8</u>	RESPONSE to Motion re <u>7</u> MOTION for Default Judgment as to <i>failure of defendant to respond to complaint</i> filed by U.S. Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit)(Harber, Loretta) (Entered: 02/11/2010)
02/11/2010	<u>9</u>	REPLY to Response to Motion re <u>7</u> MOTION for Default Judgment as to <i>failure of defendant to respond to complaint</i> filed by Joseph P Carson. (Carson, Joseph) (Entered: 02/11/2010)
02/17/2010	<u>10</u>	MOTION for Extension of Time to File Answer by U.S. Securities and Exchange Commission. (Harber, Loretta) (Entered: 02/17/2010)
02/17/2010	<u>11</u>	RESPONSE in Opposition re <u>10</u> MOTION for Extension of Time to File Answer filed by Joseph P Carson. (Attachments: # <u>1</u> Exhibit FOIA response of US Equal Employment Opportunity Commission, # <u>2</u> Exhibit FOIA response of Department of Energy, # <u>3</u> Exhibit FOIA response of Merit Systems Protection Board)(Carson, Joseph) (Entered: 02/17/2010)
02/19/2010	<u>12</u>	RESPONSE in Opposition re <u>10</u> MOTION for Extension of Time to File Answer filed by Joseph P Carson. (Attachments: # <u>1</u> Exhibit SEC's FOIA response)(Carson, Joseph) (Entered: 02/19/2010)
02/19/2010	<u>13</u>	ORDER granting <u>10</u> defendant's Motion for Extension of Time to respond to <u>1</u> plaintiff's Complaint. Signed by District Judge Thomas W Phillips on February 19, 2010. (AYB) (Entered: 02/19/2010)
03/10/2010	<u>14</u>	Second MOTION for Extension of Time to File Answer by U.S. Securities and Exchange Commission. (Harber, Loretta) (Entered: 03/10/2010)
03/11/2010	<u>15</u>	ORDER granting <u>14</u> defendant's Motion for Extension of Time to respond to <u>1</u> plaintiff's Complaint, whereby defendant's response shall be due April 19, 2010. Signed by District Judge Thomas W Phillips on March 11, 2010. (AYB) (Entered: 03/11/2010)
04/15/2010	<u>16</u>	MOTION to Dismiss for Lack of Jurisdiction by U.S. Securities and Exchange Commission. (Harber, Loretta) (Entered: 04/15/2010)
04/15/2010	<u>17</u>	MEMORANDUM in Support of Motion re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by U.S. Securities and Exchange Commission. (Harber, Loretta) (Entered: 04/15/2010)

04/15/2010	<u>18</u>	AFFIDAVIT of Margaret Celia Winter in Support re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by U.S. Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Ex. 1, # <u>2</u> Exhibit Ex. 1.A, # <u>3</u> Exhibit Ex. 2, # <u>4</u> Exhibit Ex. 3, # <u>5</u> Exhibit Ex. 4, # <u>6</u> Exhibit Ex. 5, # <u>7</u> Exhibit Ex. 6, # <u>8</u> Exhibit Ex. 7, # <u>9</u> Exhibit Ex. 8) (Harber, Loretta) Modified text on 4/15/2010 (AYB). (Entered: 04/15/2010)
04/18/2010	<u>19</u>	RESPONSE to Motion re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Joseph P Carson. (Attachments: # <u>1</u> Exhibit email from SEC Chairman Office) (Carson, Joseph) (Entered: 04/18/2010)
04/30/2010	<u>20</u>	ORDER denying <u>7</u> plaintiff's Motion for Default Judgment. Signed by District Judge Thomas W Phillips on April 30, 2010. (AYB) (Entered: 04/30/2010)
05/02/2011	<u>21</u>	MEMORANDUM OPINION granting <u>16</u> respondent's Motion to Dismiss for Lack of Jurisdiction, and this action is dismissed, with prejudice. Signed by District Judge Thomas W Phillips on May 2, 2011. (AYB) (Entered: 05/02/2011)
05/02/2011	<u>22</u>	JUDGMENT on Decision by the Court, entered by the Clerk, that respondent's motion to dismiss is granted; and that this action be dismissed with prejudice on the merits. (AYB) (Entered: 05/02/2011)
05/17/2011	<u>23</u>	MOTION for Attorney Fees by Joseph P Carson. (Carson, Joseph) (Entered: 05/17/2011)
05/18/2011	<u>24</u>	ORDER REFERRING <u>23</u> MOTION for Litigation Costs to USMJ C. Clifford Shirley. Signed by District Judge Thomas W Phillips on May 18, 2011. (AYB) (Entered: 05/18/2011)
05/26/2011	<u>25</u>	MOTION for Extension of Time to File Response/Reply to <i>Petitioner's Motion for Litigation Costs</i> by U.S. Securities and Exchange Commission. (Harber, Loretta) (Entered: 05/26/2011)
05/31/2011	<u>26</u>	ORDER granting <u>25</u> Motion for Extension of Time to File Response/Reply re <u>23</u> MOTION for Attorney Fees Responses due by 7/6/2011. Signed by Magistrate Judge C Clifford Shirley on 5/31/2011. (DCP) (Entered: 05/31/2011)
07/06/2011	<u>27</u>	RESPONSE in Opposition re <u>23</u> MOTION for Attorney Fees filed by U.S. Securities and Exchange Commission. (Harber, Loretta) (Entered: 07/06/2011)
07/09/2011	<u>28</u>	REPLY to Response to Motion re <u>23</u> MOTION for Attorney Fees filed by Joseph P Carson. (Attachments: # 1 Exhibit list of litigation costs)(Carson, Joseph) Modified on 7/12/2011 to remove pdf. Pro se plaintiff has re-filed full document as Doc. <u>30</u> (AYB). (Entered: 07/09/2011)

07/09/2011	29	AFFIDAVIT in Support re 23 MOTION for Attorney Fees filed by Joseph P Carson. (Attachments: # 1 Exhibit email thread Mark Siford, # 2 Exhibit email to SEC General Counsel)(Carson, Joseph) (Entered: 07/09/2011)
07/11/2011	30	REPLY to Response to Motion re 23 MOTION for Attorney Fees filed by Joseph P Carson. (Carson, Joseph) (# 1 list of litigation costs added on 7/12/2011: pro se plaintiff attached this exhibit to the original submission [Doc. 28]; however it was not attached to this re-submission of the corrected document.) (AYB). (Entered: 07/11/2011)
07/19/2011	31	MOTION for Extension of Time to File Response/Reply <i>and for Permission to File a Sur-Reply</i> by U.S. Securities and Exchange Commission. (Harber, Loretta) (Entered: 07/19/2011)
07/26/2011	32	ORDER denying 31 Motion for Extension of Time to File Response/Reply. Signed by Magistrate Judge C Clifford Shirley on 7/26/2011. (DCP) (Entered: 07/26/2011)
08/06/2011	33	AFFIDAVIT in Support re 23 MOTION for Attorney Fees filed by Joseph P Carson. (Carson, Joseph) Modified on 8/8/2011 to remove .pdf. This document was erroneously filed in this civil action; pro se plaintiff has subsequently filed this document in the correct case no. 3:10-cv-56 (AYB). (Entered: 08/06/2011)
08/08/2011		Former Document No. 33 was erroneously filed in this civil action; however, pro se plaintiff has subsequently filed this document in the correct case no. 3:10-cv-56. (AYB) (Entered: 08/08/2011)

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